

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

TRUEPOSITION, INC.)
Plaintiff,)
)
v.)
)
LM ERICSSON TELEPHONE)
COMPANY,)
) Case No. 2:11-cv-4574 (RK)
QUALCOMM INC.,)
)
ALCATEL-LUCENT USA INC.,)
)
and)
)
THIRD GENERATION PARTNERSHIP)
PROJECT, a/k/a 3GPP)
)
Defendants.)

**DECLARATION OF TUAN NGUYEN-HUYNH IN SUPPORT OF
PLAINTIFF TRUEPOSITION, INC.'S MOTION TO COMPEL
DISCOVERY DIRECTED TO DEFENDANT QUALCOMM INC.**

I, TUAN NGUYEN-HUYNH, hereby declare as follows:

1. I am employed as the Director of Litigation Support by the firm of Constantine Cannon LLP, which represents Plaintiff TruePosition, Inc. in the above-captioned action as co-counsel with the firm of Harkins Cunningham LLP. I submit this declaration in support of TruePosition, Inc.'s Motion to Compel Discovery Directed to Defendant Qualcomm Inc.

2. As Director of Litigation Support I am responsible for, inter alia, generating hit reports for search terms for searching electronically stored documents that may be required to be produced in response to document requests in discovery. In my experience, the process of generating a hit report is neither burdensome nor time-consuming. While there is some initial work to be done by trained litigation support staff, the vast majority of the work is done by an automated computerized process, in a matter of minutes. I describe below how this process works.

3. The parties exchange their proposed search terms in a text file, such as in Microsoft Word. This enables the parties to easily copy the proposed term from the Word document and "paste" it into the software that we will use to perform the search. The queries do not need to be typed in again.

4. The first step in generating a hit rate report is to confirm that the syntax of the term as proposed by the other party matches the syntax of the search engine software that we use. For example, different search engines may use different "proximity connectors" that produce only those documents where the term to the left of the connector is a certain number of words away from the term to the right of the connector; so that, different software may look for documents with words that are five words apart using the connector "w/5," "/5," or "~5." This syntax clean-up process typically takes a total of 15 to 30 minutes if there are a large number of queries.

5. Once that initial syntax review is complete, step two is to input the entire list of search queries into the search engine. This uncovers any remaining syntax errors that may need to be corrected before the search can be run. It may require a few additional minutes to diagnose and

adjust these remaining syntax issues.

6. Once all syntax issues have been identified and resolved across all queries, the entire list is then input to the search engine to run and produce reports. Computing the hit reports is purely an automated computerized process. Processing time may vary based on a number of factors including the number of queries, complexity of queries and the size of the database, but is typically completed in a matter of seconds or minutes per query.

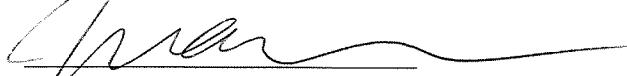
7. Most review tools or search engines commonly used in the industry have the ability to generate reports stating the number of documents hit, the number of documents including family members, and the number of hits for each query along with an aggregate count of total unique documents hit by the entire list of queries.

8. I and my staff have generated such reports in this case for nearly three hundred search terms proposed by the defendants. The description given above accurately reflects that process. In my view, it was no more time-consuming or burdensome than is typical of the cases I work on. I also reviewed the draft search terms that our firm, on behalf of TruePosition, provided to the defendants in this case, I believe that it would not be time-consuming, burdensome or expensive for Qualcomm's counsel to provide hit reports on the search terms provided by TruePosition to Qualcomm.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: September 23, 2013

Respectfully submitted,



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